ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

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ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ	:	384
ಸದಸ್ಯರ ಹೆಸರು	:	ಶ್ರೀ ಎಸ್.ಎಲ್.ಭೋಜೇಗೌಡ (ಶಿಕ್ಷಕರ ಕ್ಷೇತ್ರ)
ಉತ್ತರಿಸುವ ದಿನಾಂಕ	:	15.09.2021.
ಉತ್ತರಿಸುವ ಸಚಿವರು	:	ಮಾನ್ಯ ಲೋಕೋಪಯೋಗಿ ಸಚಿವರು

ಕ್ರ.ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	ಸರ್ಕಾರದ ನಿಯಮಗಳಂತೆ ಟೋಲ್ ಪ್ಲಾಜಗಳಲ್ಲಿ ಪ್ರಯಾಣಿಕರಿಗೆ ಒದಗಿಸಬೇಕಾದ ಸೇವೆ/ಸೌಲಭ್ಯಗಳೇನು; (ಆದೇಶಗಳ ಸಹಿತ ವಿವರವಾದ ಮಾಹಿತಿ ನೀಡುವುದು)	ಬಹುತೇಕ ರಾಜ್ಯದಲ್ಲಿರುವ ಟೋಲ್ ಪ್ಲಾಜಗಳು (NHAI) ರವರ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಿದ್ದು, ಗುತ್ತಿಗೆದಾರರೊಡನೆ ಏರ್ಪಟ್ಟಿರುವ ಒಪ್ಪಂದದ ಪ್ರಕಾರ ಈ ಕೆಳಕಂಡ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸಲಾಗಿದೆ ಎಂಬ ಭಾರತೀಯ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರ (NHAI) ರವರು ವರದಿಸಿರುತ್ತಾರೆ. ಟೋಲ್ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-1 ರಲ್ಲಿ ಲಗತ್ತಿಸಿದೆ. • ಶೌಚಾಲಯ • ಕುಡಿಯುವ ನೀರು • ಹೆದ್ದಾರಿ ನೆಸ್ಟ್ ಮಿನಿ • ಅಂಬುಲೆನ್ಸ್ ಸೇವೆಗಳು • ಮಾರ್ಗ ಗಸ್ತು ವಾಹನ • ಕೆಟ್ಟು ನಿಂತಿರುವ ವಾಹನಗಳನ್ನು ತೆರವುಗೊಳಿಸುವ ಕ್ರೇನ್ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖಾ ವತಿಯಿಂದ ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳಲ್ಲಿ ಟೋಲ್ ವಸೂಲಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಸರ್ಕಾರದಿಂದ ಹೊರಡಿಸಿರುವ ಟೋಲ್ ಪಾಲಿಸಿ ಗೆಜೆಟ್ ಸಂಖ್ಯೆ ಲೋಇ:06:ಇಎಪಿ:2012 ಪಿ(3) ದಿನಾಂಕ:07-03-2015 ರೀತ್ಯಾ ಟೋಲ್ ಪ್ಲಾಜಾಗಳಲ್ಲಿ ಪ್ರಯಾಣಿಕರಿಗೆ ಒದಗಿಸಬೇಕಾದ ಸೇವೆ/ಸೌಲಭ್ಯಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ. ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-2 ರಲ್ಲಿ ಲಗತ್ತಿಸಿದೆ. ಅ) ವಿವಿಧ ರೀತಿ/ಮಾದರಿಯ ವಾಹನಗಳಿಗೆ ಸರ್ಕಾರದಿಂದ ಅನುಮೋದಿಸಲ್ಪಟ್ಟಿರುವ ದರಗಳನ್ನು ನಮೂದಿಸಿರುವ ಫಲಕ (Display Boards). ಆ) ಈ ಸೂಚನಾ ಫಲಕಗಳನ್ನು ಟೋಲ್ ಪ್ಲಾಜಾ ಆಗಮನದ ಸ್ಥಳದಿಂದ 1000ಮೀ ಅಂತರದಲ್ಲಿ ಅಳವಡಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಇ) ಸರ್ಕಾರದ ಆದೇಶದಂತೆ ರಸ್ತೆ ಬಳಕೆದಾರರ ಶುಲ್ಕ ಪಾವತಿಯಿಂದ ವಿನಾಯಿತಿ ಹೊಂದಿರುವ ವಾಹನಗಳ ವಿವರ. ಈ) ಟೋಲ್ ಪ್ಲಾಜಾಗಳಲ್ಲಿ ಅಳವಡಿಸಿರುವ ಪ್ರದರ್ಶನ ಫಲಕಗಳು (Display Boards) ಗಳನ್ನು ಸಾರ್ವಜನಿಕರಿಗೆ ಸುಲಭವಾಗಿ ಕಾಣುವಂತೆ ಅಳವಡಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಉ) ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳ/ ರಿಯಾಯಿತಿದಾರರ/ ಟೋಲ್ ಗುತ್ತಿಗೆದಾರರ ವಿವರ, ದೂರವಾಣಿ ಸಂಖ್ಯೆ ಇತ್ಯಾದಿ ವಿವರ ಹೊಂದಿರುವ ಫಲಕ.

ಆ)	ಬೆಂಗಳೂರು ಹಾಸನ ಹೆದ್ದಾರಿಯಲ್ಲಿರುವ ಸೋಲೂರು ಬಳಿಯ ಟೋಲ್ ಪ್ಲಾಜಾ, ಬೆಳ್ಳೂರು ಕ್ರಾಸ್ ಟೋಲ್ ಪ್ಲಾಜಾ, ದೇವಿಹಳ್ಳಿ ಟೋಲ್ ಪ್ಲಾಜಾ (ಶಾಂತಿ ಗ್ರಾಮ) ಕದಬಳ್ಳಿ ಟೋಲ್ ಪ್ಲಾಜಾಗಳ ಟೆಂಡರ್‌ದಾರರು ಸರ್ಕಾರದ ನಿಯಮಗಳು ಹಾಗು ಒಪ್ಪಂದ ಪತ್ರದಲ್ಲಿ ತಿಳಿಸಿರುವ ನಿಯಮಗಳನ್ನು ಪಾಲನೆ ಮಾಡದೇ ಇರುವುದರಿಂದ ಸಾರ್ವಜನಿಕರಿಗೆ/ ಪ್ರಯಾಣಿಕರಿಗೆ ತೊಂದರೆ ಆಗುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ; ಈ ಸಂಬಂಧ ಸಾರ್ವಜನಿಕರಿಂದ ಸ್ವೀಕೃತವಾಗಿರುವ ದೂರುಗಳೆಷ್ಟು; (ದಾಖಲೆಗಳೊಂದಿಗೆ ಪ್ರಕರಣವಾರು ವಿವರ ನೀಡುವುದು).	ಗುತ್ತಿಗೆದಾರರು ಒಪ್ಪಂದದ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವ ಬಗ್ಗೆ ಭಾರತೀಯ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರ (NHAI) ಗಮನಕ್ಕೆ ತರಲಾಗಿರುವುದಿಲ್ಲ ಎಂದು ಭಾರತೀಯ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರ (NHAI) ರವರು ವರದಿಸಿರುತ್ತಾರೆ.
ಇ)	ಈ ಟೋಲ್‌ಗಳಲ್ಲಿ ಫಾಸ್ಟ್ ಟ್ಯಾಗ್ ಸೆನ್ಸಾರ್‌ಗಳು ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡದಿರುವುದರಿಂದ ಮತ್ತು ಅಂಬ್ಯುಲೆನ್ಸ್ ಹಾಗೂ ವಿ.ಐ.ಪಿ ವಾಹನಗಳ ಸಂಚಾರಕ್ಕೆ ಪ್ರತ್ಯೇಕ ಲೇನ್ ಬಿಡದೆ ಇರುವುದರಿಂದ ಪ್ರಯಾಣಿಕರು/ಸಾರ್ವಜನಿಕರು ಗಂಟೆಗಟ್ಟಲೆ ಕಾಯಬೇಕಾದ ಪರಿಸ್ಥಿತಿ ಬಂದಿದ್ದು, ಇದರಿಂದಾಗಿ ಪ್ರಯಾಣಿಕರು/ ಸಾರ್ವಜನಿಕರಿಗೆ ತುಂಬಾ ತೊಂದರೆಗಳಾಗುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದಯೇ; ಈ ಸಂಬಂಧ ಕೈಗೊಂಡಿರುವ ಕ್ರಮಗಳೇನು?	ಒಪ್ಪಂದದಲ್ಲಿ ನೀಡಲಾದ ತಾಂತ್ರಿಕ ವಿಶ್ಲೇಷಣೆಗಳ ಪ್ರಕಾರ ಫಾಸ್ಟ್ ಟ್ಯಾಗ್ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದೆ ಮತ್ತು ಎರಡು ಬದಿಗಳಲ್ಲಿ ಪ್ರತಿ ಪ್ಲಾಜದಲ್ಲಿ ಒಂದು ಪಥವನ್ನು ವಿ.ಐ.ಪಿ ಮತ್ತು ಅಂಬ್ಯುಲೆನ್ಸ್‌ಗಳಿಗೆ ಕಾಯ್ದಿರಿಸಲಾಗಿದೆ ಎಂದು ಭಾರತೀಯ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರ (NHAI) ರವರು ವರದಿಸಿರುತ್ತಾರೆ.

<u>ಸಂಖ್ಯೆ</u>: ಲೋಇ 213 ಸಿಎನ್‌ಹೆಚ್ 2021

(ಸಿ.ಸಿ. ಪಾಟೀಲ)
ಲೋಕೋಪಯೋಗಿ ಸಚಿವರು

LCQ 700-384
2008 - I

(23)

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS
(Department of Road Transport and Highways)
NOTIFICATION

New Delhi, the 5th December, 2008

G.S.R. 838(E).—In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956) and in supersession of the National Highways (Temporary Bridges) Rules, 1964, the National Highways (Collection of Fees by any person for the Use of Section of National Highways/Permanent Bridge/Temporary Bridge on National Highways) Rules, 1997, the National Highways (Fees for the Use of National Highways Section and Permanent Bridge - Public Funded Project) Rules, 1997 and the National Highways (Rate of Fees) Rules, 1997, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for collection of fee for use of sections of national highways, permanent bridges, bypasses and tunnels, namely:-

1. **Short title and commencement.** - (1) These rules may be called the National Highways Fee (Determination of Rates and Collection) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall not apply to agreements and contracts executed and bids invited prior to the publication of these rules.

2. **Definitions.**– (1) In these rules, unless the context otherwise requires,-

(a) **"Act"** means the National Highways Act, 1956;

(b) **"base year"** means the period from 1st April 2007 to 31st March 2008;

(c) **"bypass"** means a section of the national highway bypassing a town or city;

(d) **"concessionaire"** means a person with whom an agreement has been entered into under section 8A of the Act;

(e) **"elevated highway"** means any section of national highway raised above ground level through support of piers or columns;

(f) **"executing authority"** means an officer or authority notified by the Central Government under section 5 of the Act;

(g) **"expressway"** means a national highway having a divided carriageway suitable for high speed traffic and with control of access;

(h) **"financial year"** means the year commencing on the 1st day of April of a year and ending on 31st day of March of the succeeding year;

(i) **"gross vehicle weight"** in respect of any vehicle means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle under the Motor Vehicles Act, 1988 (59 of 1988);

(j) **"lane"** means a lane forming part of the main carriageway and having a minimum width of three meters and fifty centimeters;

(k) **"mechanical vehicle"** means any vehicle driven under its own power including a motor vehicle as defined under the Motor Vehicles Act,1988;

(l) **"notification"** means a notification published in the Official Gazette;

(m) **"private investment project"** means a project relating to section of national highway, permanent bridge, bypass or tunnel, as the case may be, for which an agreement is entered into with a concessionaire;

(n) **"public funded project"** means a project which is not a private investment project, as defined in clause (m) above and includes a private investment project in respect of which the agreement has expired;

(o) **"toll plaza"** means any building, structure or booth made for collection of fee.

(2) Words and expressions used herein and not defined but defined in the National Highways Authority of India Act, 1988 shall have the meanings respectively assigned to them in that Act.

3. **Levy of fee.**- (1) The Central Government may by notification, levy fee for use of any section of national highway, permanent bridge, bypass or tunnel forming part of the national highway, as the case may be, in accordance with the provisions of these rules:

Provided that the Central Government may, by notification, exempt any section of national highway, permanent bridge, bypass or tunnel constructed through a public funded project from levy of such fee or part thereof, and subject to such conditions as may be specified in that notification.

(2) The collection of fee levied under sub-rule (1) of rule 3, shall commence within forty- five days from the date of completion of the section of national highway, permanent bridge, bypass or tunnel, as the case may be, constructed through a public funded project.

(3) In case of private investment project, the collection of fee levied under sub-rule (1) shall be made in accordance with the terms of the agreement entered into by the concessionaire.

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(4) No fee shall be levied for the use of the section of national highway, permanent bridge, bypass or tunnel, as the case may be, by two wheelers, three wheelers, tractors and animal drawn vehicles:

Provided that three wheelers, tractors and animal-drawn vehicles shall not be allowed to use the section of national highway, permanent bridge, bypass or tunnel, as the case may be, where a service road or alternative road is available in lieu of the said national highway, permanent bridge, bypass or tunnel:

Provided further that where service road or alternative road is available and the owner, driver or the person in charge of a two wheeler is making use of the section of national highway, permanent bridge, bypass or tunnel, as the case may be, he or she shall be charged fifty per cent. of the fee levied on a car.

Explanation1.- For the purposes of this rule,- (a) "alternative road" means such other road, the carriageway of which is more than ten meters wide and the length of which does not exceed the corresponding length of such section of national highway by twenty per cent. thereof;

(b) "service road" means a road running parallel to a section of the national highway which provides access to the land adjoining such section of the national highway.

(5) The fee notified by the Central Government under these rules shall be rounded off and levied in multiple of the nearest Rupees five.

4. **Base rate of fee.** - (1) The rate of fee for use of the section of national highway, permanent bridge, bypass or tunnel constructed through public funded project or private investment project shall be identical.

(2) The rate of fee for use of a section of national highway of four or more lanes shall, for the base year 2007-08, be the product of the length of such section multiplied by the following rates, namely:-

Type of Vehicle	**Base rate of fee per km (in Rupees)**
Car, Jeep, Van or Light Motor Vehicle	0.65
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.05
Bus or Truck	2.20
Heavy Construction Machinery(HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (three to six axles)	3.45
Oversized Vehicles (seven or more axles)	4.20

Explanation.- For the purposes of this rule,-

(a) **"car"** or **"jeep"** or **"van"** or **"light motor vehicle"** means any mechanical vehicle the gross vehicle weight of which does not exceed seven thousand five hundred kilograms or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988 does not exceed twelve excluding the driver;

(b) **"light commercial vehicle"** or **"light goods vehicle"** or **"mini bus"** means any mechanical vehicle with a gross vehicle weight exceeding seven thousand five hundred kilograms but less than twelve thousand kilograms or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds twelve but does not exceed thirty two excluding the driver;

(c) **"truck"** or **"bus"** means any mechanical vehicle with a gross vehicle weight exceeding twelve thousand kilograms but less than twenty thousand kilograms or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds thirty two, excluding the driver;

(d) **"heavy construction machinery"** or **"earth moving equipment"** or **"multi axle vehicle "** means heavy construction machinery or earth moving equipment or mechanical vehicle including a multi axle vehicle with three to six axles or vehicle with a gross vehicle weight exceeding twenty thousand kilograms but less than sixty thousand kilogram; and

(e) **"oversized vehicle "** means any mechanical vehicle having seven or more axles or vehicle with a gross vehicle weight exceeding sixty thousand kilograms.

(3) The rate of fee for use of a section of national highway, having two lanes and on which the average investment for up gradation has exceeded Rupees one crore per kilometer, shall be sixty per cent. of the rate of fee specified under sub-rule (2) of rule 4.

(4) The rate of fee for use of permanent bridge, bypass or tunnel constructed with the cost exceeding Rupees ten crore, shall, for the base year 2007-08, be as follows:-

	Base rate of fee (Rupees per vehicle per trip)				
Cost of permanent bridge, bypass or tunnel (Rupees in crore)	Car, Jeep, Van or Light Motor Vehicle	Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	Truck or Bus	HCM, EME or MAV	Oversized Vehicle
10 to 15	5	7.50	15	22	30
For every additional Rupees five crore or part thereof, exceeding Rupees fifteen crore and up to Rupees one hundred crore.	1	1.50	3	4.50	6
For every additional Rupees five crore or part thereof, exceeding Rupees one hundred crore and upto Rupees two hundred crore.	0.75	1.15	2.25	3.40	4.50
For every additional Rupees five crore or part thereof, exceeding Rupees two hundred crore.	0.50	0.75	1.50	2.25	3

Provided that while computing fee for the section of national highway on which a permanent bridge, bypass or tunnel costing Rupees fifty crore or more is situated, the length of such permanent bridge, bypass or tunnel shall be excluded from the length of such section of national highway and fee shall be levied at the rates specified for such permanent bridge, bypass and tunnel:

Provided further that where the cost of such permanent bridge, bypass or tunnel, as the case may be, is less than Rupees fifty crore, and the said permanent bridge, bypass or tunnel, form part of the section of national highway, then instead of above rate of fee, the rate of fee specified under sub-rule (2) of rule 4 shall be applicable for such permanent bridge, bypass or tunnel.

Explanation.- For the purpose of this sub-rule,-

(a) the cost for private investment project, shall be the cost as assessed by the executing authority prior to invitation of bids from the concessionaire ;

(b) the cost for public funded project shall be the cost as assessed by the executing authority six months prior to completion thereof.

5. Annual revision of rate of fee.-(1) The rates specified under rule 4 shall be increased without compounding, by three per cent. each year with effect from the 1st day of April, 2008 and such increased rate shall be deemed to be the base rate for the subsequent years.

(2) The applicable base rates shall be revised annually with effect from April 1 each year to reflect the increase in wholesale price index between the week ending on January 6, 2007 (i.e. 208.7) and the week ending on or immediately after January 1 of the year in which such revision is undertaken but such revision shall be restricted to forty per cent of the increase in wholesale price index.

(3) The formula for determining the applicable rate of fee shall be as follows:-

$$\text{Applicable rate of fee} = \text{base rate} + \text{base rate} \times \left\{ \frac{\text{WPI A} - \text{WPI B}}{\text{WPI B}} \right\} \times 0.4$$

Explanation.- for the purposes of this sub-rule ,-

(a) applicable rate of fee shall be the rate payable by the user;

(b) base rate shall be the rate specified in rule 4 read with sub-rule (1) of rule 5;

(c) WPI A means the wholesale price index of the week ending on or subsequent to 1st January immediately preceding the date of revision under these rules; and

(d) WPI B means the wholesale price index of the week ending on 6^{th} January, 2007 i.e. 208.7.

Illustration:

If the revision is to be made for the year 2008-09 by applying the wholesale price index of the week ending on 5^{th} January 2008 (i.e. 216.6), then the rate for car, jeep or van will be 0.6796 as computed below:

$$\text{Applicable rate of fee: } 0.6695 + 0.6695 \text{ X } \left\{ \frac{216.6 - 208.7}{208.7} \right\} \text{ X } 0.4 = 0.6796$$

(4) Annual revision of rate of fee under this rule shall be effective from first of April every year.

6. **Collection of fee.-** (1) Fee levied under these rules shall be collected by the Central Government or the executing authority or the concessionaire, as the case may be, at the toll plaza.

(2) Every driver, owner or person in charge of a mechanical vehicle shall for the use of the section of national highway, permanent bridge, bypass or tunnel, before crossing the toll plaza, pay the fee specified under these rules.

(3) The fee collected under these rules shall be paid either in cash or through smart card or on board unit (transponder) or any other like device:

Provided that no additional charges shall be realised for making the payment of fee by use of a smart card or on board unit (transponder) or any other such device.

(4) Any driver, owner or person in charge of a mechanical vehicle who opts for the installation of on board unit (transponder) or any other such device for payment of fee, shall deposit a refundable security equivalent to the cost of the equipment with the Central Government, the executing authority or the concessionaire, as the case may be, for such installation and no interest shall accrue on such security deposit.

(5) The person receiving such fee under sub-rule (2) of rule 6, shall issue to the driver, owner or person in charge of mechanical vehicle a receipt, specifying therein the date and time of such receipt of fee, total amount received, and the class of vehicle for which the fee has been received:

Provided that where the fee is paid through smart card or on board unit (transponder) or any other such device, a receipt shall be issued on demand only.

(6) The fee shall be collected in perpetuity by the Central Government or the executing authority, as the case may be, and for a specified period in accordance with the terms of the agreement entered into by the concessionaire.

(7) In respect of public funded projects the fee levied under these rules shall be collected by the Central Government, or the executing authority, as the case may be, through its own officials or through a contactor.

7. **Remittance and appropriation of fee.**- (1) In case of public funded projects, the fee collected under the provisions of these rules by every executing authority shall be remitted to the Central Government:

Provided that the Central Government may by notification allow any or all executing authorities to appropriate the whole or any part of the fee for such purposes and subject to such conditions as may be specified in the said notification:

Provided further that in case of private investment projects, the fee collected under the provisions of these rules shall be appropriated by the concessionaire in accordance with the provisions of and for the performance of its obligations under the agreement entered into by such concessionaire.

(2) Every executing authority shall remit to the Central Government, the amount of fee collected over and above the amount permitted to be appropriated by the executing authority under sub-rule (1) of rule 7, within ninety days from the date of the closing of the financial year along with an annual return showing the amount collected and the

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expenditure incurred on collection of fee, including the administrative and management expenses.

(3) The Central Government shall by notification determine the administrative and management expenses which may be allowed to be deducted and retained by the executing authority.

8. **Location of toll plaza.**- (1) The executing authority or the concessionaire, as the case may be, shall establish a toll plaza beyond a distance of ten kilometers from a municipal or local town area limits:

Provided that the executing authority may, for reasons to be recorded in writing, locate or allow the concessionaire to locate a toll plaza within a distance of ten kilometers of such municipal or local town area limits, but in no case within five kilometers of such municipal or local town area limits:

Provided further that where a section of the national highway, permanent bridge, bypass or tunnel, as the case may be, is constructed within the municipal or town area limits or within five kilometers from such limits, primarily for use of the residents of such municipal or town area, the toll plaza may be established within the municipal or town area limits or within a distance of five kilometers from such limits.

(2) Any other toll plaza on the same section of national highway and in the same direction shall not be established within a distance of sixty kilometers:

Provided that where the executing authority deems necessary, it may for reasons to be recorded in writing, establish or allow the concessionaire to establish another toll plaza within a distance of sixty kilometers:

Provided further that a toll plaza may be established within a distance of sixty kilometers from another toll plaza if such toll plaza is for collection of fee for a permanent bridge, bypass or tunnel.

9. **Discounts.**-(1) The executing authority or the concessionaire, as the case may be, shall upon request provide a pass for multiple journeys to cross a toll plaza within the specified period at the rates specified in sub-rule (2) of rule 9.

(2) A driver, owner or person in charge of a mechanical vehicle who makes use of the section of national highway, permanent bridge, bypass or tunnel, may opt for such pass and he or she shall have to pay the fee in accordance with the following rates, namely:-

Amount payable	Maximum number of one way journeys allowed	Period of validity
One and half times of the fee for one way journey	Two	Twenty four hours from the time of payment
Two-third of amount of the fee payable for fifty single journeys.	Fifty	One month from date of payment

(3) A person who owns a mechanical vehicle registered for non-commercial purposes and uses it as such for commuting on a section of national highway, permanent bridge, bypass or tunnel, may obtain a pass, on payment of fee at the base rate for the year 2007-2008 of Rupees one hundred and fifty per calendar month and revised annually in accordance with rule 5, authorising it to cross the toll plaza specified in such pass:

Provided that such pass shall be issued only if such driver, owner or person in charge of such mechanical vehicle resides within a distance of twenty kilometers from the toll plaza specified by such person and the use of such section of national highway, permanent bridge, bypass or tunnel, as the case may be, does not extend beyond the toll plaza next to the specified toll plaza.

Provided further that no such pass shall be issued if a service road or alternative road is available for use by such driver, owner or person in charge of a mechanical vehicle.

(4) No pass shall be issued or fee collected from a driver, owner or person in charge of a mechanical vehicle that uses part of the section of a national highway and does not cross a toll plaza.

10. Rate of fee for overloading.- (1) Without prejudice to the liability of the driver, owner or a person in charge of a mechanical vehicle under any law for the time being in force, a mechanical vehicle which is loaded in excess of the permissible load specified for its category under sub-rule (2) of rule 4, shall be liable to pay fee at such rate which is applicable for the next higher category of mechanical vehicles:

Provided that the payment of such fee for overloading shall not entitle a driver or owner or a person in charge of a mechanical vehicle to make use of such national highway and his or her vehicle shall be prevented from using the national highway or crossing the toll plaza until the excess load has been removed from such mechanical vehicle.

(2) The weight of a mechanical vehicle, as recorded at a weighbridge installed at the toll plaza, shall be the basis for levying the fee for overloading under this rule:

Provided that where no weighbridge has been installed at the toll plaza, no fee for overloading shall be levied and collected under this rule and the driver, owner or person incharge of the mechanical vehicle shall be liable to pay fee applicable for such vehicle only.

11. Exemption from payment of fee.- (1) No fee shall be levied and collected from a mechanical vehicle,-

(a) transporting and accompanying,-

(i) the President of India;
(ii) the Vice-President of India;
(iii) the Prime-Minister of India;
(iv) the Chief Justice of India;
(v) the Governor;
(vi) the Lieutenant Governor;
(vii) the Union Minister;

(viii) the Chief Minister;

(ix) the Judge of Supreme Court;

(x) the Chairman of the Council of State;

(xi) the Speaker of the House of People;

(xii) the Chairman of the Legislative Council of the State;

(xiii) the Speaker of the Legislative Assembly of the State;

(xiv) the Chief Justice of High Court;

(xv) the Judge of High Court;

(xvi) Ministers of States; and

(xvii) Foreign dignitaries on State visit.

(b) used for official purposes by,-

(i) the Ministry of Defence including those which are eligible for exemption in accordance with the provisions of the Indian Toll (Army and Air Force) Act, 1901 and rules made thereunder, as extended to Navy also;

(ii) the Central and State armed forces in uniform including para military forces and police;

(iii) an executive Magistrate;

(iv) a fire-fighting department or organisation;

(v) the National Highway Authority or any other organisation or person using such vehicle for inspection, survey, construction or operation and maintenance thereof; and

(c) used as ambulance.

12. **Display of Information.**- (1)The executing authority or the concessionaire, as the case may be, shall publish a notice specifying the amount of fee to be charged from the mechanical vehicle, in at least one Newspaper, each in English and vernacular language, having a wide circulation in such area.

(2) The executing authority shall prominently display in Hindi and English one thousand meters ahead of the toll plaza and in English and local language five hundred meters ahead of the toll plaza,-

(i) the amount of fee payable for each class of vehicles and the discounts available under rule 9;

(ii) the categories of vehicles exempted from payment of fee; and

(iii) the name, address and telephone or contact number of the executing authority or the concessionaire, as the case may be.

(3) The height of the display boards, their quality and size of lettering shall be clearly visible and legible to the users.

13. Unauthorised collection.- (1) An officer authorised by the Central Government or by the executing authority, as the case may be, may assess the excess fee collected, if any, by the executing authority or the concessionaire, as the case may be, and recover the same from such authority or concessionaire , along with an additional sum equal to twenty five per cent. of the excess fee collected:

Provided that no recovery of such excess fee shall be made unless an opportunity of hearing has been given to the executing authority or concessionaire, as the case may be.

(2) Any driver, owner or person incharge of a mechanical vehicle aggrieved by unauthorised collection of fee, may lodge a complaint with the officer authorised by the Central Government or the executing authority, as the case may be, in this behalf, who shall after hearing the parties pass an order on such complaint for refund of excess payment and damages for the inconvenience suffered by such user within thirty days.

14. Failure to pay fee.- (1) If any driver, owner or person in charge of a mechanical vehicle does not pay or refuses to pay the fee for use of national highway, permanent bridge, bypass or tunnel, his or her vehicle shall not be allowed to use such section of national highway, permanent bridge, bypass or tunnel and in case such vehicle obstructs the normal flow of traffic, the executing authority or the concessionaire, as the case may be, may get such obstructing vehicle removed from the national highway, permanent bridge, bypass or tunnel, as the case may be.

(2) Where the driver or the person in charge of a mechanical vehicle refuses or fails to pay the fee levied under these rules, the same shall be recovered from the registered owner of the mechanical vehicle.

(3) Where the Central Government, executing authority or the concessionaire, as the case may be, has reason to believe that a mechanical vehicle is plying on a section of the national highway, permanent bridge, bypass or tunnel without payment of fee due, it may stop such vehicle for the purpose of verifying the payment thereof and collect the fee due from such vehicle.

15. **Power of Central Government to verify records.-** An officer duly authorised by the Central Government or the executing authority, as the case may be shall have the power to verify the collection of fee, and inspect any document, records, other information, receipts or reports of the executing authority or the concessionaire, as the case may be.

16. **Collection of fee in respect of Private Investment Project.-** (1) The fee levied under the provisions of sub-rule (3) of rule 3 shall be collected by the concessionaire till its agreement is in force.

(2) On and from the date of expiry of the agreement specified under sub-rule (3) of rule 3, the fee levied shall be collected by the Central Government or the executing authority, as the case may be.

17. **Bar for installation of additional barrier.-** No barrier shall be installed at any place, other than at the toll plaza, except with the prior permission in writing of the Central Government or the executing authority, as the case may be, who after being satisfied that there is evasion of fee, may allow on such terms and conditions as it may impose, the installation of such additional barrier by the Central Government, the executing authority or the concessionaire, as the case may be, within ten kilometers from the toll plaza, to check the evasion of fee:

Provided that the Central Government or the executing authority, as the case may be, may, at any time, for reasons to be recorded in writing, withdraw such permission.

Provided further that where the Central Government or the executing authority, as the case may be, do not allow installation of an additional barrier by the

concessionaire, the reasons for such refusal shall be communicated to such concessionaire within a reasonable period.

[F. No. RW/NH-25016/1/2008/P&P]
P. K. TRIPATHI, Jt. Secy.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಮಾರ್ಚ್ ೦೯, ೨೦೧೫ (ಫಾಲ್ಗುಣ ೧೮, ಶಕ ವರ್ಷ ೧೯೩೬)	ಸಂ. ೨೦೮
Part - IV-A	Bengaluru, Monday, March 09, 2015 (Phalguna 18, Shaka Varsha 1936)	No. 208

PUBLIC WORKS, PORTS & INLAND WATER TRANSPORT SECRETARIAT

NOTIFICATION

No. PWD 06 EAP 2012 (P3), Bengaluru, Dated: 07-03-2015

Whereas, the draft of the Karnataka Road User Fee (Determination of Rates and Collection) Rules, 2013 and in supersession of the Karnataka Private Investment Project (Road toll or user fee determination of rates and collection) notification 2009 was published as required by sub-section (1) of section 72 of the Karnataka Highways Act, 1964 (Karnataka Act 44 of 1964) in notification No. PWD 06 EAP 2012 P3, dated 26th August, 2013, published in Part IV A of the Karnataka Gazette (Extraordinary) No. 1094 dated 27th August, 2013, inviting objections or suggestions from all the persons likely to be affected thereby, and notice was given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

And, whereas the said Gazette was made available to the public on 27th August, 2013

And, whereas no objections and suggestions have been received in respect of the said draft rules.

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 72 of the Karnataka Highways Act, 1964 (Karnataka Act 44 of 1964) the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. **Title and Commencement:-**

1.1 These rules may be called the Karnataka Road User Fee (Determination of Rates and Collection) Rules, 2014 for State Highways, Standalone Structures.

1.2 They shall come into force on the date of their publication in the Official Gazette.

1.3 They shall not apply to the agreements and contracts executed and bids invited prior to the publication of these rules in respect of Private Investment and Public Private Partnership (PPP) projects.

2. **Definitions :-**

In these rules, unless the context otherwise requires:-

2.1.a "Act" means the State Highways Act, 1964; (Karnataka Act 44 of 1964);

2.1.b "Base year" means the period from 01-04-2013 to 31-03-2014;

2.1.c "Build, operate transfer (Annuity) projects" means a project relating to any section of State Highways, Standalone Structures as the case may be, for which an arrangement is entered in to with a concessioner, for the payment of annual grant for construction section of State Highways, Standalone Structures.

2.1.d "Bypass" means a section of the State Highways bypassing a town or city;

2.1.e "Concessionaire" means a person with whom an agreement has been entered into under section 19A of the Act;

2.1.f "Executing authority" means an officer or authority notified by the State Government;

2.1.g "Financial year" means the year commencing on the 1st day of April of a year and ending on 31st day of March of the succeeding year;

2.1.h "Gross vehicle weight" in respect of any vehicle means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle under the Motor Vehicles Act, 1988 (59 of 1988);

2.1.i "Lane" means a lane forming part of the main carriageway and having a minimum width of three meters and fifty centimetres;

2.1.j "Mechanical vehicle" means any vehicle driven under its own power including a motor vehicle as defined under the Motor Vehicles Act, 1988;

2.1.k "Notification" means a notification published in the Official Gazette;

2.1.l "Private investment project" means a project relating to section of State Highways, Standalone Structures as the case may be for which an agreement is entered into with a concessionaire who has invested in the project;

2.1.m "Public funded project" means a project which is not a private investment project, as defined in clause (2.1.l) above and includes a private investment project in respect of which the agreement has expired;

2.1.n "Structure" means a Bridge/Tunnel/Elevated Highway;

2.1.n.1 "Bridge" means structure build to span physical obstacles such as a water body, valley or road for the purpose of providing passage over the obstacle;

2.1.n.2 "Tunnel" means a passageway completely enclosed except for opening for entrance and exit;

2.1.n.3 "Elevated Highway" means any section of State Highways above ground level through support of piers or columns;

2.1.o "Toll plaza" means any building, structure or booth constructed for collection of fee.

2.1.p "Expressway" means a State Highways having a divided carriageway suitable for high speed traffic and with control of access;

2.2 Words and expressions used herein and not defined, but defined in the State Highways Act, 1964 shall have the meanings respectively assigned to them in the Act.

3. Levy of fee :-

3.1 The State Government may by notification, levy fee for use of any section of State Highways, Standalone Structures forming part of the State Highways, as the case may be, in accordance with the provisions of these rules:,

Provided that the State Government may, by notification, exempt any section of State Highways, Standalone Structures constructed through a public funded project from levy of such fee or part thereof, and subject to such conditions as may be specified in that notification.

3.2 The collection of fee levied under sub rule 3.1, shall commence within forty-five days from the date of completion of the section of State Highways, Standalone Structures as the case may be, constructed through a public funded project / PPP projects.

3.3 No fee shall be levied for the use of the section of State Highways, Standalone Structures as the case may be, on two wheelers, three wheelers, tractors and animal drawn vehicles, Agriculture transport vehicles.

Provided that three wheelers, tractors and animal drawn vehicles, Agriculture transport vehicles shall not be allowed to use the section of State Highways, Standalone Structures as the case may be, where a service road or alternative road is available in lieu of the said State Highways, Standalone Structures.

Provided further that where service road or alternative road is available and the owner, driver or the person in charge of a two wheeler is making use of the section of State Highways, Standalone Structures as the case may be, he or she shall be charged fifty per cent, of the fee levied on a car.

Explanation - For the purposes of this rule,-

3.3.a "Alternative road" means such other road, the carriageway of which is more than ten meters wide and the length of which does not exceed the corresponding length of such section of State Highways by twenty per cent, thereof;

3.3.b "Service road" means a road running parallel to a section of the State Highways which provides access to the land adjoining such section of the State Highways.

3.4 Toll fee notified by the State Government under these rules shall be rounded off and levied in multiple of the nearest rupees five.

4. Base rate of fee :-

4.1 The rate of fee for use of the section of State Highways, Standalone Structures constructed through public funded project or private investment project shall be identical.

4.2 The rate of fee for use of a section of State Highways, Standalone Structures of four or more lanes shall, for the base year 2007-2008, be the product of the length of such section multiplied by the following rates, namely:-

(6)

Table -1

Sl No.	Type of Vehicle	Basic rate of Fee per Kilometer in Rs.
1	Car, Jeep, Van or Light Motor Vehicle	0.65
2	Light Commercial Vehicle, light Goods Vehicle or Mini Bus	1.05
3	Bus or Commercial Vehicle (Two axle)	2.20
4	Bus or Commercial Vehicle (Three axle)	2.24
5	Heavy Construction Machinery (HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (four or six axles)	3.45
6	Over-sized vehicles (seven or more axles)	4.20

Explanation - For the purpose of this rule refer to the latest Notifications of the Ministry of Road, Transport and Highways (MoRTH), Government of India.

4.2.a "Car or "Jeep" or "van" or "light motor vehicles" means any mechanical vehicle the gross vehicle weight of which does not exceed 7.50 tonnes (seven thousand five hundred kilograms) or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988 does not exceed twelve excluding the driver.

4.2.b "Light commercial vehicle" or "light goods vehicle" or "mini bus" means any mechanical vehicle with a gross vehicle weight exceeding 7.50 tonnes (seven thousand five hundred kilograms) but less than 12.00 tonnes (twelve thousand kilograms) or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds twelve passengers but does not exceed thirty-two passengers excluding the driver;

4.2.c Commercial vehicle "(truck)" or "bus" with two axles means any mechanical vehicle having two axles with a gross vehicle weight exceeding 12.00 tonnes (twelve thousand kilograms) but less than 20.00 tonnes (twenty thousand kilograms) or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds thirty-two passengers excluding the driver;

4.2.d Commercial vehicle "(truck)" or "bus" with three axle vehicles means any mechanical vehicle having three axles (inclusive of the axle of the tailor if any) and with a gross vehicle weight less than or equal to 25.00 tonnes (twenty five thousand kilograms) or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds thirty-two passengers excluding the driver;

4.2.e "heavy construction machinery" or "earth moving equipment" or "multi axle vehicle" means heavy construction machinery or earth moving equipment or mechanical vehicle including a multi axle vehicle with four to six axles or vehicle with a gross vehicle weight exceeding 20.00 tonnes (twenty thousand kilograms) but less than 60.00 tonnes (sixty thousand kilogram); and

4.2.f "Oversized vehicle" means any mechanical vehicle having seven or more axles or vehicle with a gross vehicle weight exceeding 60.00 tonnes (sixty thousand kilograms).

4.3 The rate of fee for use of a section of a State Highways having two-lanes with paved shoulders and above but below four-lane on which substantial improvement had been made by widening carriageway by three meters or more shall be seventy percent of the rate of fee specified under sub-rule 4.2;

4.4 The rate of fee for use of bypass forming part of a section of a State Highways constructed with the cost of rupees five crore or more, for the base year 2007-08, shall be one and half times the rate of fee specified in sub rule 4.2.

Provided that while computing fee for the section of State Highways of which such bypass forms a part, the length of such bypass shall be excluded from the length of such section of State Highways.

Provided further that where the cost of such bypass, is less than Rupees five crore, then the rate of fee, for the use said bypass be the same as that of the section of the State Highways of which it forms a part.

4.5 Notwithstanding anything contained in this rule the rate of fee for use of a Section of a State Highways consisting of bypass or tunnel constructed on or after 11th September, 1956 but before 5th December, 2008 through public funded project or PPP project, shall be the

6. Collection of Fee :-

6.1 Fee levied under these rules shall be collected by the State Government or the executing authority or the concessionaire, as the case may be at the toll plaza.

6.2 Every driver, owner or person in charge of a mechanical vehicle shall for the use of the section of State Highways, Standalone Structures before crossing the toll plaza, pay the fee specified under these rules.

6.3 The fee collected under these rules shall be paid either in cash or through smart card or on board unit (transponder) or any other like device.
Provided that no additional charges shall be realised for making the payment of fee by use of a smart card or on board unit (transponder) or any other such device.

6.4 Any driver, owner or person in charge of a mechanical vehicle who opts for the installation of on board unit (transponder) or any other such device for payment of fee, shall deposit a refundable security equivalent to the cost of the equipment with the State Government, the executing authority or the concessionaire, as the case may be, for such installation and no interest shall accrue on such security deposit.

6.5 The person receiving such fee under sub-rule 6.2, shall issue to the driver, owner or person in charge of mechanical vehicle a receipt, specifying therein the date and time of such receipt of fee, total amount received, and the class of vehicle for which the fee has been received.
Provided that where the fee is paid through smart card or on board unit (transponder) or any other such device, a receipt shall be issued on demand only.

6.6 The fee shall be collected in perpetuity by the State Government or the executing authority, as the case may be, and for a specified period in accordance with the terms of the agreement entered into by the concessionaire.

6.7 The fee as notified as per the concession Agreement shall be leviable till the end of the concession period and after the concession agreement is over, the fee shall be collected by the State Government or executing authority at a reduced rate of the fee on the date of transfer of such section of State Highways, Standalone Structures, as case may be, to be revised annually in accordance with these rules.

6.8 In respect of public funded projects the fee levied under these rules shall be collected by the State Government, or the executing authority, as the case may be, through its own officials or through agency/contractor on its behalf.

7. Remittance and Appropriation of Fee :-

7.1 In case of public funded projects, the fee collected under the provisions of these rules by every executing authority shall be remitted to the State Government:
Provided that the State Government may by notification allow any or all executing authorities to appropriate the whole or any part of the fee for such purpose and subject to such conditions as may be specified in the said notification:
Provided further that in case of private investment projects, the fee collected under the provisions of these rules shall be appropriated by the concessionaire in accordance with the provisions of and for the performance of its obligations under the agreement entered into by such concessionaire.

7.2 Every executing authority shall remit to the State Government, the amount of fee collected over and above the amount permitted to be appropriated by the executing authority under sub-rule 7.1, within ninety days from the date of the closing of the financial year along with an annual return showing the amount collected and the expenditure incurred on collection of fee, including the administrative and management expenses.

7.3 The State Government shall by notification determine the administrative and management expenses which may be allowed to be deducted and retained by the executing authority.

8. Location of Toll Plaza :-

8.1 The executing authority or the concessionaire, as the case may be, shall establish a toll plaza beyond a distance of ten kilometres from a municipal or local town area limits:
Provided that the executing authority may, for reasons to be recorded in writing, locate or allow the concessionaire to locate a toll plaza within a distance of ten kilometres of such municipal or local town area limits, but in no case within five kilometres of such municipal or local town area limits:
Provided further that where a section of the State Highways, Standalone Structures as the case may be, is constructed within the municipal or town area limits or within five kilometres from such limits, primarily for use of the residents of such municipal or town area, the toll plaza may be established within the municipal or town area limits or within a distance of five kilometres from such limits.

same as provided in sub-rule 4.2 and 4.3 for the Section of a State Highways and shall be revised in accordance with the provisions of rule 5;

Provided that notwithstanding whether the Section of the State Highways, Standalone Structures has been taken for further lane upgradation or not, the increase in the rate of fee for use of a Section of such State Highways, Standalone Structures constructed through any public funded project or any PPP project constructed before the commencement of the said rules, shall not be increased after the commencement of the these Rules by more than twenty-five percent of the rates of fee applicable immediately before such commencement and further annual increase shall in no case be more than twenty-five percent of the rates of fee applicable in the immediately preceding year.

Explanation - For the purpose of sub-rule 4.4 and 4.5,

4.5.a The cost for private investment project shall be the cost as assessed by the executing authority prior to invitation of bids from the concessionaire.

4.5.b The cost for public funded project shall be the cost as assessed by the executing authority six months prior to completion thereof.

4.6 The rate of fee for use of an expressway shall be 1.25 times the rate specified in sub-rule 4.2.

4.7 In case of private investment projects, the rate of fee shall be as specified under sub-rule 4.2 or such lower rates as concessionaire may determine by giving public notice to the users, specifying in all or any category of vehicles.

4.8 The rate of fee for a section of a four-lane highway shall on and from the commencement of the work relating to up-gradation to six laning be seventy-five percent of the fee applicable on the date of commencement of the these Rules, till the completion of the project without any annual revision.

Provided that no user fee shall be levied for the delayed period between the date of completion as per the agreement entered into with the concessionaire and the date of actual completion of the project.

Explanation:- For the purposes of this rule, any provisional completion of the project shall not be treated as completion of the project.

4.9 The rate of fee for use of standalone structure as well as structure forming part of a liner Highway/ Expressway, shall be calculated by converting the length of the structure into an equivalent length of Highway/Expressway by multiplying factor of ten.

Provided the structure of 60 meters of length of less, on a linear Highway/Expressway will be considered a part of the normal length of Highway/Expressway for calculation of fee.

5. **Annual revision of rate of fee :-**

5.1 The rates specified under rule 4 shall be increased without compounding, by three percent each year with effect from the 1st day of April, 2008 and such increased rate shall be deemed to be the base rate for the subsequent years.

5.2 The applicable base rates shall be revised annually with effect from April 1 each year to reflect the increase in the wholesale price index for the month of December of the year, in which such revision is undertaken but such revision shall be restricted to forty per cent of the increase in wholesale price index.

5.3 The formula for determining the applicable rate of fee shall be as follows;

$$\text{Applicable rate of fee} = \text{base rate} + \text{base rate} \times \frac{(\text{WPI A} - \text{WPI B})}{\text{WPI B}} \times 0.4$$

Illustrations- The rate of fee for car / jeep / van computed for the year 2014-15 is shown below;

(a) Applicable rate of fee shall be the rate payable by the user;

(b) Base rate shall be the rate specified in rule 4 read with sub-rule 5.1.

(c) WPI A means the wholesale price index of and the wholesale price index for the month of December of the year, immediately preceding the date of revision under these rules; and

(d) WPI B means the wholesale price index for the month of December of the year, preceding year of immediate preceding year 2013, i.e. for December, 2012 (168.80) of all commodities.

Illustration.- If the revision is to be made for the year 2013-14 by applying the wholesale price index of the month ending on December 2013 (i.e. 179.20), then the rate for car, Jeep or van will be as computed below:

$$\text{Applicable rate of fee} = 0.943 + 0.943 \times \frac{(179.20 - 168.80)}{168.80} \times 0.40 = 0.9671$$

5.4 Annual revision of rate of fee under this rule shall be effective from first of April every year.

8.2 Any other toll plaza on the same section of State Highways and in the same direction shall not be established within a distance of Sixty kilometres:
Provided that where the executing authority deems necessary, it may for reasons to be recorded in writing, establish or allow the concessionaire to establish another toll plaza within a distance of Sixty kilometres:

9. Discounts :-

9.1 A driver, owner or person in charge of a mechanical vehicle who makes use of the section of State Highways, Standalone Structures may opt for such pass and he or she shall have to pay the fee in accordance with the following rates, namely:-

Table - 3

Amount Payable	Maximum number of one-way Journeys allowed	Period of validity
One and half times of the fee for one-way journey	Two	Twenty-four hours from the time of payment
Two-third of amount of the fee payable for fifty single journeys	Fifty	One month from the date of payment

9.2 The executing authority or the concessionaire, as the case may be, shall upon request provide a pass for multiple journeys to cross a toll plaza within the specified period at the rates specified in sub-rule 9.1.

9.3 A person who owns a mechanical vehicle registered for non-commercial purposes and uses it as such for commuting on a section of State Highways, Standalone Structures may obtain a pass, on payment of fee at the base rate for the year 2007-08 of Rs.150/- per calendar month and revised annually in accordance with rule 5, authorising it to cross the toll plaza specified in such pass.
Provided that such pass shall be issued only if such driver, owner or person in charge of such mechanical vehicle resides within a distance of twenty kilometres from the toll plaza specified by such person and the use of such section of State Highways, Standalone Structures may be, does not extend beyond the toll plaza next to the specified toll plaza.
Provided further that no such pass shall be issued if a service road or alternative road is available for use by such driver, owner or person in charge of a mechanical vehicle.

9.4 A person who owns a commercial (excluding vehicle playing under National Permit), registered with address on the registration certificate of a particular district and uses such vehicle for commuting on a section of the State Highways, Standalone Structures as the case may be, which is located within that district, shall be levied users fee on all toll plazas which are located within that district, at a rate of fifty percent of the prescribed rate of fee;
Provided that no such concession shall be provided, if a service road or alternative road is available for use by such commercial vehicles.

9.5 No pass shall be issued or fee collected from a driver, owner or person in charge of a mechanical vehicle that uses part of the section of a State Highways and does not cross a toll plaza.

10. Rate of fee for overloading :-

10.1 Without prejudice to the liability of the driver, owner or a person in charge of a mechanical vehicle under any law for the time being in force, a mechanical vehicle which is loaded in excess of the permissible load specified for its category under 4.2 shall not be permitted to use the State Highways of crossing the toll plaza until the excess load has been removed from such mechanical vehicle;

10.1a The driver or owner or a person in charge of a mechanical vehicle shall be liable to pay fee, for entering the overloaded vehicle on the State Highways to the toll collection agency, equal to ten times of the fee applicable to such category of mechanical vehicles under sub-rule 4.2.

10.2 The weight of a mechanical vehicle, as recorded at a weighbridge installed at the toll plaza, shall be the basis for levying the fee for overloading under this rule;
Provided that where no weighbridge has been installed at the toll plaza, no fee for overloading shall be levied and collected and the driver, owner or person in charge of the mechanical vehicle shall be liable to pay Toll fee or user fee applicable for such vehicle only.

11. Exemption from payment of fee :-

11.1 The State Government further declares that the following category of vehicles shall be exempted from the payment of toll while crossing these toll plazas.

11.1.a All vehicles belonging to the Government of India, Government of Karnataka, under taking vehicles of Government of Karnataka including Private Vehicles engaged on Government duty with valid pass including Yellow Board Vehicles also except the vehicles engaged in commercial / Freight purpose.

11.1.b Vehicles belonging to the Hon'ble Member of Parliament and Member of Legislative Assembly.

11.1.c All vehicles belonging to Defence, Indian Post & Telegraph Departments, G.O.I. on duty.

11.1.d The Central and State armed forces in uniform including para military forces and police.

11.1.e The awardee of prestigious International/ National awards, if such awardee produces his photo identity card duly authorised by the appropriate or competent authority for such award.

11.1.f All the vehicles belonging to Freedom fighters and Accredited Journalists if such person produces his photo identity card duly authorised by the appropriate or competent authority.

11.2 Used as

11.2.a Ambulances

11.2.b Fire Fighting vehicles

11.2.c Hearse (Funeral) van

Note: The driver of the vehicle/van so exempted from payment of toll shall state his name and name of duty on which he is engaged.

12. Display of Information :-

12.1 The executing authority or the concessionaire, as the case may be, shall public a notice specifying the amount of fee to be charged from the mechanical vehicle, in at least one Newspaper, each in English and Kannada language, having a wide circulation in such area.

12.2 The executing authority shall prominently display in Hindi and English one thousand meters ahead of the toll plaza and in English and Kannada language five hundred meters ahead of the toll plaza.-

The amount of fee payable for each class of vehicles and the discounts available under rule 9;

12.2.i The categories of vehicles exempted from payment of fee; and

12.2.ii The name, address and telephone or contact number of the executing authority or the concessionaire, as the case may be.

12.3 The height of the display boards, their quality and size of lettering shall be clearly visible and legible to the users.

13. Unauthorised Collection :-

13.1 An officer authorised by the State Government or by the executing authority, as the case may be, may assess the excess fee collected, if any, by the executing authority or the concessionaire, as the case may be, and recover the same from such authority or concessionaire, along with an additional sum equal to twenty five per cent, of the excess fee collected;

Provided that no recovery of such excess fee shall be made unless an opportunity of hearing has been given to the executing authority or concessionaire, as the case may be,

13.2 Any driver, owner or person in-charge of a mechanical vehicle aggrieved by unauthorised collection of fee, may lodge a complaint with the officer authorised by the State Government or the executing authority, as the case may be, in this behalf, who shall after hearing the parties pass an order on such complaint for refund of excess payment and damages for the inconvenience suffered by such user within thirty days.

14. Failure to pay fee :-

14.1 If any driver, owner or person in charge of a mechanical vehicle does not pay or refuses to pay the fee for use of State Highways, Standalone Structures his or her vehicle shall not be allowed to use such section of State Highways, Standalone Structures and in case such vehicle obstructs the normal flow of traffic, the executing authority or the concessionaire, as the case may be, may get such obstructing vehicle removed from the State Highways, Standalone Structures as the case may be.

14.2 Where the driver or the person in charge of a mechanical vehicle refuses or fails to pay the fee levied under these rules, the same shall be recovered from the registered owner of the a mechanical vehicle.

14.3 Where the State Government, executing authority or the concessionaire, as the case may be, has reason to believe that a mechanical vehicle is playing on a section of the State Highways, Standalone Structures without payment of fee due, it may stop such vehicle for the purpose of verifying the payment thereof and collect the fee due from such vehicle.

15. Power of State Government to verify records :-

An officer duly authorised by the State Government or the executing authority, as the case may be shall have the power to verify the collection of fee, and inspect any document, records, other information, receipts or reports of the executing authority or the concessionaire, as the case may be.

16. Collection of fee in respect of Private Investment Project :-

16.1 The fee levied under the provisions of rule 3 shall be collected by the concessionaire till its agreement is in force.

16.2 On and from the date of expiry of the agreement specified under rule 3, the fee levied shall be collected by the State Government or the executing authority, as the case may be through its own officials or through agency/ contractor on its behalf.

17. Bar for installation of additional barrier :-

No barrier shall be installed at any place, other than at the toll plaza, except with the prior permission in writing of the State Government or the executing authority, as the case may be, who after being satisfied that there is evasion of fee, may allow on such terms and conditions as it may impose, the installation of such additional barrier by the State Government, the executing authority or the concessionaire, as the case may be, within ten kilometres from the toll plaza, to check the evasion of fee.

Provided that the State Government or the executing authority, as the case may be, may, at any time, for reasons to be recorded in writing, withdraw such permission.

Provided further that where the State Government or the executing authority, as the case may be, do not allow installation of an additional barrier by the concessionaire, the reasons for such refusal shall be communicated to such concessionaire within a reasonable period.

18. Repeal and Savings :-

The Karnataka Private Investments Project (Road toll or user fee Determination of rates and Collection) Notification, 2009 is hereby repealed:

Provided that such repeal shall not;

affect the previous operation of the said notification or anything done or any action taken there under;

affect any right or obligation which had accrued or incurred under the said notification.

VIJAY . B . CHANDAPUR
Under Secretary to Government,
Public Works, Ports & Inland Water
Transport Department (EAP)